

**ALLEGED SHIPMENT:** On or about February 2 and 16 and March 10, 12, and 18, 1953, by Associated Labs., Inc., from New York, N. Y.

**PRODUCT:** 172 120-tablet bottles and 324 30-tablet bottles of *vitamin tablets* at Phoenix, Ariz. Examination showed that the tablets had deficiencies in vitamin B<sub>1</sub> ranging from 15 percent to 39 percent and in vitamin C ranging from 43 percent to 86 percent.

**LABEL, IN PART:** (Bottle) "The Hemate Formula Three tablets (Daily Dose) contain: Vitamin B<sub>1</sub> (Thiamine Hydrochloride) . . . . 15 Mg. \* \* \* Vitamin C (Ascorbic Acid) . . . . 150 Mg. \* \* \* Three Hemate Formula Tablets provide 15 times the minimum adult daily requirement (MADR) of Vitamin B<sub>1</sub>; 5 times the MADR of Vitamin C."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely, 15 milligrams of vitamin B<sub>1</sub> and less than 150 milligrams of Vitamin C per 3 tablets.

Misbranding, Section 502 (a), the label statement "Three tablets \* \* \* contain: Vitamin B<sub>1</sub> \* \* \* 15 Mg. \* \* \* Vitamin C \* \* \* 150 Mg." was false and misleading as applied to the article, which contained less than 15 milligrams of vitamin B<sub>1</sub> and less than 150 milligrams of vitamin C per 3 tablets.

**DISPOSITION:** December 10, 1953. Default decree of condemnation and destruction.

## DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

### DRUGS FOR HUMAN USE \*

**4257. Action to enjoin and restrain violations of Sections 301 (a) and 301 (k) with respect to Testone wheat germ oil capsules. U. S. v. Morris Silfan and Harry Rick (Canal Medical Products), Seward Laboratories, Inc., and Leo Savitch. Consent decree granting injunction. (Inj. No. 263.)**

**COMPLAINT FILED:** March 13, 1953, Southern District of New York, against Morris Silfan and Harry Rick, trading as Canal Medical Products, New York, N. Y., and against Seward Laboratories, Inc., New York, N. Y., and Leo Savitch, president of the corporation.

**NATURE OF CHARGE:** The complaint alleged that the defendants were engaged in the business of packaging and relabeling capsules of wheat germ oil and distributing and selling them as *Testone wheat germ oil capsules* and that, in the conduct of such business, the defendants employed the following method of operation:

(a) Quantities of wheat germ oil capsules were purchased in bulk from an Illinois firm and, upon their receipt at New York, N. Y., and while held for sale on the premises of Seward Laboratories, Inc., they were repacked into bottles and relabeled;

(b) The defendants solicited orders by mail for the capsules and, following the receipt of such orders, introduced the capsules into interstate commerce;

(c) To explain the uses of the capsules and to permit their distribution, the defendants caused the capsules to be accompanied by labeling consisting of leaflets entitled "Men Past 40 if You have any of These Symptoms" and

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\* See also Nos. 4254-4256.